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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,930	12/14/2000	Naomi Noda	WATK:205	5806

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EXAMINER

HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,930

Applicant(s)

NODA ET AL.

Examiner

Stuart Hendrickson

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,14-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,14-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/27/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12, 14-16, 18-23 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iizuka et al 5968870.

Iizuka teaches in column 4 impregnating a cordierite honeycomb with alumina, then with Na, Ti and Pt. No difference in the catalyst is seen; compare to specification examples.

Concerning claim 12, the anchor substance is the Al added. Concerning claim 16, the anchor substance (alumina) is 'in' the carrier because it is coated/impregnated as per specification pg. 5. Concerning claim 20, the anchor substance (again alumina) is between the carrier and the catalyst because it the reference teaches adding it as a layer onto the cordierite and then adding the catalyst. No differences are seen.

Claims 12, 14-16, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindner et al. taken with Deeba et al.

Lindner teaches in column 4-5 a carrier which can be a mixture of materials, an oxygen storage material (cerium oxide for example), a noble metal thereon and zirconium oxide. Also taught is a stabilizer such as barium oxide. Lindner does not teach an alkali metal (notwithstanding the fact that this would appear to inherently be present as an impurity, such as in the water used in the solutions of the metals).

Deeba teaches, in columns 2 and 6 for instance, an alkali metal as a promoter on a similar system as Lindner. Using an alkali metal as a promoter in the catalyst of Lindner is an obvious expedient to improve a noble metal auto exhaust catalyst. In so far as the support of Lindner is not a honeycomb, Deebea teaches this as well. Using this form of support is an obvious expedient to have a high surface area and thus high activity catalyst.

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Concerning claim 16, the anchor substance is aluminosilicates or titanates of Lindner and is 'in' the carrier since it is mixed therewith. Concerning claim 12, the 'second layer' of Lindner is also a catalyst layer and the zirconia therein is the anchor: see column 10 line 60.

Concerning claim 20, Lindner column 7 teaches the zirconium between the noble metal and the support.

Applicant's arguments filed 7/27/05 have been fully considered but they are not persuasive. The method by which the element is added does not impart patentability to a product claim, given that the references teach the element. Column 2 of '870 can be interpreted in a way which renders the claims unpatentable, given the language of the claims. A motivation is given to combine the references, even though Lindner probably inherently possesses at least some Na and no minimum amount is required, thus could be used alone. This observation has nothing to do with hindsight. It is not necessary for the references to discuss certain problems, or why their invention allegedly solves them. And the claims are not limited to the problems applicants discuss. Comments already of record also apply in answer to arguments previously made.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.



Stuart Hendrickson
examiner Art Unit 1754